

MINUTES  
EAGLE MOUNTAIN CITY COUNCIL MEETING

September 3, 2013

Work Session 4:00 p.m. Policy Session 7:00 p.m.

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

**4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS**

ELECTED OFFICIALS PRESENT: Donna Burnham, Nathan Ochsenhirt and Richard Steinkopf. Ryan Ireland participated by phone. John Painter was excused.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Jason Walker, Asst. City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Paul Jerome, Finance Director; Chris Trusty, Public Works Director; Rand Andrus, Fire Chief; Steve Mumford, Planning Director; Tippe Morlan, Planning Intern; Adam Ferre, Energy Director; Dave Norman, Assistant Public Works Director; Linda Peterson, Public Information Director; Eric McDowell, Sheriff's Deputy.

Mayor Jackson called the meeting to order at 4:10 p.m.

1. PRESENTATION – Recommendation from the Cemetery Board regarding the purchase of property for a cemetery.

Cemetery Board Chair Bob Hill and Vice-Chair Steve Conger presented the proposed location of the cemetery. The preferred site would be thirty acres (acquired and developed in phases) where Eagle Mountain Boulevard crosses the old Pony Express Trail. The location allows the cemetery to complement the historical nature of the Trail. Councilmember Burnham suggested that the cemetery include a children's section.

2. AGENDA REVIEW – The City Council reviewed items on the Consent Agenda and Policy Session Agenda.

11. Bond Issuance.

Mayor Jackson pointed out that the final decision on the bond amount was up to \$2.5M, not \$3M. The original bonds were SID bonds backed by land. The proposed bonds will be sales tax bonds.

12. Consolidated Fee Schedule.

Energy Director Adam Ferre explained that rock and frost increase the cost of excavating for utility lines. This amendment covers those costs. It also reduces the fee for installation of open-space electric meters.

13. JLUS Grant.

City Recorder Fionnuala Kofoed said the City recently received a \$229,380.00 grant from the OEA for the implementation of the Joint Land Use Study. The study was initiated in December, 2009 and completed last January. It was designed to improve the interface between Camp Williams and adjacent entities. The implementation phase is expected to take about twelve months. The implementation recommendations will be tailored to each entity.

1 14. Waiver of Construction Noise Restrictions.

2 Planning Director Steve Mumford said that the cement contractor has requested a waiver of City  
3 noise restrictions to allow them to begin pouring concrete at 4:00 a.m. for Ridley's Market for four  
4 days scattered among two weeks in September. Councilmembers felt that it was a reasonable  
5 request, as long as the contractor provides adequate advance warning to the neighbors, perhaps in  
6 the form of door hangers.  
7

8 15. Interlocal Water Agreement.

9 City Administrator Ifo Pili explained that CUWCD has agreed to pay for the City's new pump  
10 station. In exchange, the City will help them with easements for their new water line over the next  
11 twenty years. City Attorney Jeremy Cook said that after the City conveys all the easements,  
12 CUWCD will convey the pump station to the City.  
13

14 16. Cedar Pass Phase 1 Natural Gas System.

15 This is a reconsideration of a decision made at the last City Council meeting. Councilmember  
16 Ochsenhirt stated that he was uncomfortable with the Council's additions to the staff  
17 recommendations. He felt that the natural gas system is a good investment in the City's  
18 infrastructure, which will eventually bring in steady revenue with only a moderate risk. He felt  
19 that it was reasonable for these residents to request this service from the City. He felt that the  
20 \$1,000 deposit should still be required. Mr. Ferre has explained to him that this system for Phase 1  
21 will be installed just the same as if the entire subdivision was being serviced.  
22

23 Councilmember Steinkopf asked how the residents' costs will be financed. He wanted to know if  
24 the residents will be able to connect to the system before they have to refill their propane tanks.  
25 Mr. Ferre said that those who sign up for a lateral by October 1, even if they're not ready to  
26 connect, will get the initial price without the later increase.  
27

28 Nikki Wickman, a Cedar Pass Ranch resident, asked about rock charges in the contractor's  
29 contract. Mr. Ferre said that the sign-up form will show who will have additional charges for  
30 trenching through rock.  
31

32 Councilmember Burnham asked how those who agree to the main line, but not a lateral, will be  
33 charged. Mr. Ferre said a lateral constructed after the main line will be charged the lateral cost at  
34 the time.  
35

36 Councilmember Ochsenhirt asked if there is a flat rate for those who sign up for the lateral in the  
37 beginning. Mr. Ferre said there is, and it's less expensive than connecting later.  
38

39 Mr. Pili said that those who finance the gas system charges will have the cost included in their  
40 utility bills.  
41

42 Mayor Jackson asked what kind of security the City has for collecting from those who default on  
43 the payments. Mr. Pili responded that the utilities would be shut off or the property would be  
44 lienied. Councilmember Ochsenhirt suggested a pre-lien as part of the contract. City Attorney  
45 Jeremy Cook said that the City is protected unless the resident files bankruptcy. The only way to  
46 guarantee payment would be to set up an assessment area, which is not practical in this case.  
47

48 Councilmember Steinkopf felt that October 1 might been too close a deadline for the residents. He  
49 wondered if the deadline should be in the spring. Mayor Jackson felt it was better to enable

1 residents to avoid filling up their propane tanks for the winter, freeing that money to pay for their  
2 connections to the natural gas system.

- 3  
4 3. CITY ADMINISTRATOR INFORMATION ITEMS – This is an opportunity for the City  
5 Administrator to provide information to the City Council. These items are for information and do  
6 not require action by the City Council.

7  
8 None.

- 9  
10 4. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council adjourned into a Closed  
11 Executive Session for the purpose of discussing reasonably imminent litigation and the purchase,  
12 lease or exchange of real property pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

13  
14 **MOTION:** *Councilmember Burnham moved to adjourn into a Closed Executive Session for*  
15 *the purpose of discussing reasonably imminent litigation and the purchase, lease or*  
16 *exchange of real property, pursuant to Section 52-4-205(1) of the Utah Code,*  
17 *Annotated. Councilmember Ochsenhirt seconded the motion. Those voting aye:*  
18 *Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The*  
19 *motion passed with a unanimous vote.*

20  
21 The Closed Executive Session was cancelled.

22  
23 **POLICY SESSION – CITY COUNCIL CHAMBERS**

24  
25 ELECTED OFFICIALS PRESENT: Donna Burnham, Nathan Ochsenhirt and Richard Steinkopf. Ryan  
26 Ireland participated by phone. John Painter was excused.

27  
28 CITY STAFF PRESENT: Ifo Pili, City Administrator; Jason Walker, Asst. City Administrator; Jeremy  
29 Cook, City Attorney; Fionnuala Kofoed, City Recorder; Paul Jerome, Finance Director; Chris Trusty,  
30 Public Works Director; Rand Andrus, Fire Chief; Steve Mumford, Planning Director; Tippe Morlan,  
31 Planning Intern; Adam Ferre, Energy Director; Dave Norman, Assistant Public Works Director; Linda  
32 Peterson, Public Information Director; Eric McDowell, Sheriff's Deputy.

- 33  
34 5. CALL TO ORDER

35  
36 Mayor Jackson called the meeting to order at 7:06 p.m.

- 37  
38 6. PLEDGE OF ALLEGIANCE

39  
40 James Crandall led the Pledge of Allegiance.

- 41  
42 7. INFORMATION ITEMS/UPCOMING EVENTS

- 43  
44 • **Citywide Yard Sale** – The first citywide yard sale will be held on Saturday, September 14.  
45 Register your sale now via the link on the City website, Events page. A map of all sale locations  
46 will be published online for residents and visitors who want to do all their bargain shopping in  
47 one day. Clean-up dumpsters will also be provided by the City on this date between 8 a.m. and 4  
48 p.m., at two locations – the Public Works building and Smith Ranch Park.

- **Road Work** – Our Streets Department continues work this week on a widening project on Pony Express at the entrance to Hidden Hollow Elementary. Paving will occur on Wednesday and Thursday. Striping will be done on Saturday. Please continue to advise children to use caution in the area and stay on the paved trails. Thanks again for your patience as we complete these improvements.
- **Communities that Care** – In recognition of National Suicide Awareness Day, Communities That Care is sponsoring Lunch and Learn: Suicide and Depression Amongst Youth, What Can the Community Do to Help? The luncheon will take place on Tuesday, September 10 from 11:45 a.m.-1:00 p.m. at Garden Near the Green in Eagle Mountain. For more information visit the City website, Events page.
- **Farmer's Market** – The Farmer's Market will continue through September 28. It is held in the grassy area across from the Fire Station in City Center (1680 Heritage Dr.) from 9:00 a.m. to noon. Local crafts and produce are offered.

8. **PUBLIC COMMENTS** – Time has been set aside for the public to express their ideas, concerns and comments.

James Crandall stated that he represented White Hills. He thanked the Sheriff's Department for sending a deputy to keep the peace last weekend at the start of dove-hunting season. He went to his neighbors and asked about some of their concerns. One neighbor said now that the City has annexed White Hills, it needs to take care of the White Hills water system.

Nikki Wickman asked the Council to approve the natural gas system proposed for the Cedar Pass Ranch subdivision. She brought nine deposit checks from people prepared to connect to the project. She committed to providing seven more deposits by October 1. She asked the City to allow residents to pay their costs in two payments within one year, if they can't pay in full immediately. She supported the provisions in the original proposal that residents who choose not to connect will not pay any money to the City for the natural gas project, and those who sign up after October 1 will pay an additional \$1000.

Doug Grover thanked the Council for their time and effort in considering the Cedar Pass natural gas project. He said that some residents are having financial issues due to the difficult economy. He supported having the option of allowing individuals to make two payments over twelve months in order to be part of the project.

Conan Albrecht said that many people are struggling to heat their homes. The Cedar Pass Ranch community has come to the Council in past years for help with a natural gas system. The proposal this year is the best they've ever had. He pointed out that very few people, if any, are likely to default. He believed that more people will be willing to connect to the system as soon as they see gas lines being installed. Cedar Pass was one of the first neighborhoods in the City and was built before City gas service was available.

9. **CITY COUNCIL/MAYOR'S ITEMS** – Time has been set aside for the City Council and Mayor to make comments.

Councilmember Ireland

No comment.

1 Councilmember Burnham

2 Councilmember Burnham thanked everyone who attended the meeting, especially the Boy Scouts.

4 Councilmember Steinkopf

5 Councilmember Steinkopf said it's very helpful to the Council when residents attend the meetings  
6 and give input.

8 Councilmember Ochsenhirt

9 Councilmember Ochsenhirt thanked everyone for coming to the meeting.

11 Mayor Jackson

12 No comment.

14 **CONSENT AGENDA**

16 10. MINUTES

17 A. August 20, 2013 – Regular City Council Meeting

19 **MOTION:** *Councilmember Burnham moved to approve the Consent Agenda. Councilmember*  
20 *Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland,*  
21 *Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous*  
22 *vote.*

24 **SCHEDULED ITEMS**

26 11. **PUBLIC HEARING** – To Allow Public Input Regarding the Issuance and Sale of \$3,000,000  
27 Aggregate Principal Amount of Sales Tax Revenue Refunding Bonds, Series 2013 and Any  
28 Potential Economic Impact that the Project Described Herein to be Refinanced with the Proceeds  
29 of the Series 2013 Bonds May Have on the Private Sector.

31 This item is a public hearing only. No action by the Council is required.

33 Mayor Jackson explained that the City is in the process of refunding or refinancing its 2006 SID  
34 Bonds (2000-1 SID). The City will now be pledging sales tax as the security for the bonds, which  
35 will greatly reduce the annual interest expense on the bonds. The purpose of the public hearing is  
36 to receive input from the public on the pledge of sales tax for this purpose. It is currently  
37 anticipated that the bonds will close on September 17th and will be purchased by Chase Bank.

39 This action will change the collateral for the bonds from real property to sales tax. The interest  
40 rate on the bonds will be reduced from 8% to 1.99%.

42 *Mayor Jackson opened the hearing at 7:26 p.m.*

44 Chris Pengra asked if there is a call period on the bonds. Cody Deeter stated that there are call  
45 premiums for the first four years, which allows for the low interest rate.

47 *Mayor Jackson closed the hearing at 7:28 p.m.*

12. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah, Amending the Eagle Mountain City Consolidated Fee Schedule.

The proposed resolution amends the Eagle Mountain City Consolidated Fee Schedule to add a rock and frost clause to the gas connection fee. Each property owner who had a rock or frost situation at the time of an excavation would pay the additional fee. It will also create a connection fee for open space electric meters. The fee would be lower than the standard connection fee, because an open space meter requires fewer materials than a standard connection.

**MOTION:** *Councilmember Steinkopf moved to add a rock and frost fee and an open space electric meter fee to the Consolidated Fee Schedule. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

13. AGREEMENT – Consideration and Approval of a Grant Agreement between Eagle Mountain City and the Department of Defense for the Camp Williams Training Site Joint Land Use Study (JLUS) Implementation.

This item was presented by City Recorder Fionnuala Kofoed. This agreement details the terms of a grant agreement with the Department of Defense for the JLUS implementation project. Eagle Mountain, along with representatives from other regional communities, Camp Williams, and the Utah Army National Guard, participated in the development of a JLUS. In partnership with a consultant team, and with financial assistance from OEA, the JLUS was completed in January, 2013. The goal of this implementation effort is to carry out recommendations from the JLUS that will ensure the public's health, safety, and welfare, and continue to recognize private land owners' current property rights, and ensure the continued viability of the mission activities on Camp Williams.

The grant is for approximately \$229,000. City Recorder Fionnuala Kofoed administers the grant. All of the cities participating in the study will also participate in the implementation phase.

Councilmember Burnham asked if a "yes" vote tonight will bind future councils. Mayor Jackson said it would not. The recommendations are tailored for each entity.

Councilmember Burnham asked if complying with the study recommendations is voluntary. Mayor Jackson said it is voluntary.

**MOTION:** *Councilmember Ochsenhirt moved that the City approve a grant agreement with the Department of Defense for the Camp Williams Training Site Joint Land Use Study (JLUS) implementation. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

Mayor Jackson announced that a request for proposals has already gone out for a consultant.

14. MOTION – Consideration of a Request from Curt Faus Corporation to Waive the Hours of Construction Noise Restrictions.

1 This item was presented by Mayor Jackson. Curt Faus Corporation has requested that the City  
2 Council waive the hours of construction noise restriction for four concrete pours for Ridley's  
3 Market during the month of September. The four specific dates will be dependent on the weather.  
4 The company will send notification to the homeowners of property located within a 600 foot radius  
5 of the construction site. They intend to start pouring a concrete slab at 4:00 a.m., but only during  
6 the work week (Monday through Friday). City Code Section 8.15.080 (g) states that the City  
7 Council may waive the hours of work for projects in generally isolated areas where the extended  
8 hours do not impact adjoining property occupants.

9  
10 **MOTION:** *Councilmember Ochsenhirt moved to waive the hours of construction noise*  
11 *restrictions for Curt Faus Concrete to begin no earlier than 4:00 a.m. on four work*  
12 *days (Monday to Friday) between September 16<sup>th</sup> and 27<sup>th</sup>. The company will be*  
13 *required to send notification to homeowners within 600 feet of the construction site,*  
14 *with costs to be borne by the company. Councilmember Burnham seconded the*  
15 *motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt*  
16 *and Richard Steinkopf. The motion passed with a unanimous vote.*  
17

18 15. AGREEMENT – Consideration and Approval of An Interlocal Agreement Between Eagle  
19 Mountain City and the Central Utah Water Conservancy District.  
20

21 This item was presented by Mayor Jackson. The City is currently in the process of designing a  
22 pump station to be located in the City of Saratoga Springs to supply water under certain water  
23 supply agreements with the Central Utah Water Conservancy District (the "District"). The City  
24 anticipates the cost of the pump station to be approximately \$2.5 million. The interlocal  
25 agreement would require the District to assume full responsibility for all costs and expenses  
26 incurred in connection with finalizing the design, bidding and construction of the pump station. In  
27 exchange, the City would agree to acquire a regional water utility right-of-way and easement  
28 corridor for the District through the City. Upon receipt from the City of the required franchise and  
29 easement rights, the District would re-convey to the City all of the District's right, title and interest  
30 in and to the pump station.  
31

32 Councilmember Burnham asked if any complications were expected for getting a building permit  
33 from Saratoga Springs. City Administrator Ifo Pili didn't expect any problems. Mayor Jackson  
34 said the water district will probably get the building permit. Councilmember Burnham read a  
35 section of the agreement stating that the City is responsible for getting the permit. Mayor Jackson  
36 said that, since Saratoga knows why the City purchased the land two years ago, she's reasonably  
37 certain there will be no problems with the building permit.  
38

39 **MOTION:** *Councilmember Ochsenhirt moved that the City approve an interlocal agreement*  
40 *with the Central Utah Water Conservancy District as outlined in the staff report.*  
41 *Councilmember Burnham seconded the motion. Those voting aye: Donna*  
42 *Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion*  
43 *passed with a unanimous vote.*  
44

45 The conditions in the staff report are as follows: "The interlocal agreement would require the  
46 District to assume full responsibility for all costs and expenses incurred in connection with  
47 finalizing the design, bidding and construction of the pump station. In exchange, the City would  
48 agree to acquire a regional water utility right-of-way and easement corridor for the District through

the City. Upon receipt from the City of the required franchise and easement rights, the District would re-convey to the City all of the District's right, title and interest in and to the pump station."

16. MOTION – Reconsideration of Approval of Bid for Niels Fugal Sons Company, LLC, for the Cedar Pass Ranch, Phase 1, Natural Gas System.

This item was presented by Mayor Jackson. The Cedar Pass Ranch, Phase 1, Natural Gas System was approved at the August 20, 2013, City Council meeting. Two City Councilmembers, Nathan Ochsenhirt and Richard Steinkopf, have requested that it be reconsidered to address the conditions of approval.

The motion that was approved at the last meeting called for twenty residents to sign up and pay a \$1000 deposit by October 1, before the City would sign a contract for installation of gas lines. Payment in full was to be made within 30 days after completion of the project.

Because those conditions seemed to be impossible to meet, Ms. Wickman worked with her neighbors to come up with an alternate solution. The change is in the payment schedule. At least 10 people must commit to paying in full. Those who are unable to pay in full at the time of completion may have 6 months to pay 50% of the cost at 1.5% interest, and 12 months to pay the final 50% at 3% interest.

So far, twenty people have committed to participating in the project. Councilmember Burnham asked if the twenty people who have signed up represented twenty separate lots or if some were couples owning one lot. Ms. Wickman said they represented twenty different lots. She said that one resident pulled out because her lot is solid rock and she can't afford the additional cost. A few don't believe the project will be constructed.

Conan Albrecht said some residents will participate if the payment schedule is extended. He gave the example of a neighbor who was unemployed for 18 months. He could use the money he saved on propane to pay towards the natural gas system, but he couldn't pay the whole cost in the beginning.

Mayor Jackson asked if it would help to allow sign-ups after October 1 without the additional fee. Mr. Ferre said it would work; the date suggested is only to allow the City to be sure it has enough connections to sign the contract. He suggested that sixteen residents be required to sign up for service by October 1 to begin the project, and allow others to sign up for the initial price for as long as the contractor is on site.

Councilmember Burnham stated her concern that residents are struggling in other parts of the City. While she understands that heating with propane is very expensive for the residents in Cedar Pass, she doesn't want to place any burden on others to benefit a group that chose to live in a neighborhood served by propane. If only sixteen people sign up, the City is still building and paying for a system that will service the whole neighborhood. Several residents told her that they can't get loans. She believed anyone who has equity in their home can get a home equity loan. Mr. Albrecht said banks are reluctant to make loans connected with municipal projects.

Councilmember Burnham and Mr. Albrecht discussed whether the City has an ordinance that allows the City to finance individuals' payments for municipal projects under the administrative hearing process. Mr. Albrecht was asked to look up the ordinance he was referring to.



1  
2 Councilmember Ochsenhirt said he knows of people who are unable to borrow any money against  
3 their homes. He said that any business has to make a capital investment before being paid. The  
4 City's utility system operates in the same way. He felt that this project helps the residents and the  
5 City, by saving the residents money and by creating more customers for the City's utility system.

6  
7 Mr. Albrecht stated that he didn't have the money to participate in this project, so he went to a  
8 relative to borrow the money.

9  
10 Mr. Cook said he read the administrative hearing ordinance and didn't believe it applies to this  
11 situation.

12  
13 **MOTION:**       *Councilmember Steinkopf moved to reconsider the item that was approved on*  
14 *August 20, 2013, regarding the Cedar Pass Ranch, Phase 1, natural gas system.*  
15 *Councilmember Ochsenhirt seconded the motion.*  
16

17 Councilmember Ireland noted that Councilmember Ochsenhirt has explained his reasons for  
18 reconsidering the motion. He asked if the Councilmember Steinkopf would explain his reason for  
19 reconsideration. Councilmember Steinkopf said that he originally voted against the item because  
20 he didn't agree with the City providing financing or with the October 1 deadline. Since then, he's  
21 received a lot of comments and believes there will be enough interest to get the system built; in  
22 addition, a better financial plan has been proposed.

23  
24 Councilmember Burnham was concerned that any time a vote doesn't go her way, she could bring  
25 it back for reconsideration. She wanted to consider changing the meeting procedures so that  
26 there's no risk of excessive reconsideration of motions. Perhaps each vote should only be eligible  
27 for reconsideration once.

28  
29 Councilmember Ochsenhirt agreed with Councilmember Burnham. He felt that when the item was  
30 originally presented, the Council could have discussed it better and the neighborhood could have  
31 done better at presenting it. He didn't feel that all the information was available last time.

32  
33 Councilmember Burnham asked if anyone knew what Councilmember Painter's objection to the  
34 item was. Councilmember Ochsenhirt said Councilmember Painter believed that the project  
35 shouldn't be constructed unless the whole neighborhood supported it.

36  
37 *Those voting aye: Donna Burnham, Nathan Ochsenhirt and Richard Steinkopf.*  
38 *Those voting no: Ryan Ireland. The motion passed with a 3:1 vote.*  
39

40 Because the motion to reconsider passed, the same motion that was voted on at the last meeting  
41 was voted on again. The motion is considered to be moved and seconded by those who did so in  
42 the previous meeting.

43  
44 **MOTION:**       *Motion to approve a bid from Niels Fugal Sons Company, LLC, for the Cedar Pass*  
45 *Ranch, Phase 1, Natural Gas System and authorize the Mayor to sign the contract*  
46 *if 20 residents sign a contract with the City by October 1 agreeing to pay a \$1000*  
47 *deposit and the rest of their costs within 30 days after completion of the project; not*  
48 *to finance their costs through the Utility Department; and anyone who signs up*  
49 *after October 1 must pay an additional \$1000. Those voting aye: Donna Burnham*

1 *and Ryan Ireland. Those voting no: Nathan Ochsenhirt and Richard Steinkopf.*  
2 *Mayor Jackson cast a tie-breaking “no” vote. The motion failed with a 2:3 vote.*  
3

4 **MOTION:** *Councilmember Ochsenhirt moved to award a bid from Niels Fugal Sons*  
5 *Company, LLC, for the Cedar Pass Ranch, Phase 1, Natural Gas System and*  
6 *authorize the Mayor to sign the contract only if the owners of 16 lots in Cedar Pass*  
7 *Ranch commit to participating in the project. Their commitment consists of paying*  
8 *a \$1000 deposit by October 1 and signing a notarized contract committing them to*  
9 *connect to the system. Ten of the contracts must commit the signers to pay all of*  
10 *their related costs in full within 30 days of the completion of the system.*  
11 *Construction may begin prior to October 1 if 16 commitments are received.*  
12 *Additional residents may sign up until November 1 without paying a penalty;*  
13 *anyone who signs up after November 1 must pay an additional \$1000. The*  
14 *residents who do not pay in full within 30 days after completion of the system must*  
15 *commit to paying their costs in two payments, 50% at 1.5% interest within six*  
16 *months and 50% at 3% interest within twelve months, the interest to be prorated if*  
17 *the amount is paid sooner. Councilmember Steinkopf seconded the motion.*  
18

19 Councilmember Ireland asked what the City would do if any of these lot owners failed to pay  
20 according to their commitments. Mr. Cook said that the City would turn off their gas for  
21 nonpayment and pursue its contractual rights. The financial commitment will be included on their  
22 utility bills.  
23

24 Councilmember Ireland asked Councilmember Ochsenhirt, as a business owner, when he would  
25 make 31 contracts and only expect to be paid by 51% of them, and only at his cost, without any  
26 profit. He didn't think that made wise business sense. Councilmember Ochsenhirt responded that  
27 they aren't 31 individual contracts; they're all part of one infrastructure project. The project will  
28 create at least 16 new, permanent customers.  
29

30 Councilmember Ochsenhirt pointed out that the City pays for many projects, such as parks, that  
31 never provide any return on investment.  
32

33 Councilmember Ireland asked when Councilmember Ochsenhirt expected the City to see a return  
34 on investment. Councilmember Ochsenhirt said if only 16 residents sign up, the return should  
35 begin in sixteen months.  
36

37 Councilmember Burnham pointed out that any other upgrade to the system is paid for in advance.  
38 She felt that if the return on investment could begin within sixteen months, the City's utility rates  
39 are too high.  
40

41 Mr. Pili said the expenditure above revenue would be about \$53,000. Each new customer will pay  
42 in about \$5-7K per year.  
43

44 Councilmember Ireland said he would prefer to see 20 customers rather than 16 to reduce the risk.  
45 Councilmember Ochsenhirt felt the difference between 16 and 20 customers is too little to be  
46 worth holding up the project.  
47

48 Councilmember Burnham asked if the \$1000 penalty applies to the main line. Mayor Jackson said  
49 it would. They will still have to pay the full cost of the lateral.

*Those voting aye: Nathan Ochsenhirt and Richard Steinkopf. Those voting no: Donna Burnham and Ryan Ireland. Mayor Jackson cast a tie-breaking “aye” vote. The motion passed with a 3:2 vote.*

Councilmember Burnham stated that she really appreciated the efforts that the Cedar Pass residents made to come up with a better financial plat, which made it easier for her to vote on the project.

Councilmember Burnham challenged the Cedar Pass residents who support this system to prove her wrong.

17. CITY COUNCIL/MAYOR’S BUSINESS – This time is set aside for the City Council’s and Mayor’s comments on City business.

Councilmember Burnham

No comment.

Councilmember Steinkopf

No comment.

Councilmember Ochsenhirt

No comment.

Councilmember Ireland

No comment.

Mayor Jackson

No comment.

18. CITY COUNCIL BOARD LIAISON REPORTS – This time is set aside for Councilmembers to report on the boards they are assigned to as liaisons to the City Council.

Councilmember Ochsenhirt reported that the Economic Development Board has been working on the City-wide Yard Sale scheduled for September 14. Dumpsters will be available if anyone wants to dispose of unsold items.

19. COMMUNICATION ITEMS

- a. Upcoming Agenda Items
- b. Financial Report

20. ADJOURNMENT

**MOTION:** *Councilmember Ochsenhirt moved to adjourn the meeting at 9:00 p.m. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*